

# **EXHIBIT A**

AO 440 (Rev. 05/00) Summons in a Civil Action

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS

SUMMONS IN A CIVIL CASE

JAMES T. SULLIVAN, not individually but as Trustee of  
PLUMBERS' PENSION FUND, LOCAL 130, U.A., et al.,

Plaintiff,

V.

KELCODE CORING, LLC, an Illinois limited liability  
company,

Defendant.

CASE NUMBER:

**08 C 1022**

ASSIGNED JUDGE:

DESIGNATED

MAGISTRATE JUDGE:

**JUDGE ZAGEL  
MAGISTRATE JUDGE COLE**

TO: (Name and address of Defendant)

Kelcode Coring, LLC  
c/o Tracy J. Foss, registered agent  
527 May Street  
Roselle, Illinois 60172

**YOU ARE HEREBY SUMMONED** and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Douglas A. Lindsay  
John W. Loseman  
Lisa M. Simioni  
Brian T. Bedinghaus  
Lewis Overbeck & Furman, LLP  
20 N. Clark St., Suite 3200  
Chicago, Illinois 60602

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

Michael W. Dobbins, Clerk

*Anya Ellis*

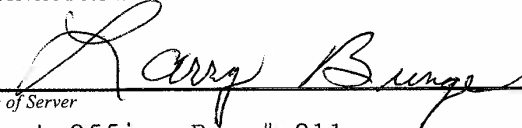
(By) DEPUTY CLERK

February 19, 2008

Date



AO 440 (Rev. 05/00) Summons in a Civil Action

RETURN OF SERVICE		
Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE March 19'th, 2008	
NAME OF SERVER (PRINT) Larry Bunge	TITLE Special Process Server	
<i>Check one box below to indicate appropriate method of service</i>		
<div style="display: flex; justify-content: space-between;"> <div> <input checked="" type="checkbox"/> Served personally upon the defendant. Place where served:            Tracy J. Foss, Registered Agent for Kelcode Coring, LLC. Service was effected at the residence at 527 May Street, in Roselle, Illinois, at the hour of 9:55 p.m., on Wednesday, March 19'th, 2008.  <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.            Name of person with whom the summons and complaint were left: _____  <input type="checkbox"/> Returned unexecuted: _____            _____            _____  <input type="checkbox"/> Other (specify): _____            _____            _____         </div> <div style="text-align: right;">           Personally handed the Summons and the Complaint to Mrs. Tracy J. Foss, Registered Agent for Kelcode Coring, LLC. Service was effected at the residence at 527 May Street, in Roselle, Illinois, at the hour of 9:55 p.m., on Wednesday, March 19'th, 2008.         </div> </div>		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="width: 30%;">           Executed on <u>March 19'th, 2008</u>  <small>Date</small> </div> <div style="width: 60%; text-align: center;">   <small>Signature of Server</small>            Post Office Box # 911            Tinley Park, Illinois 60477            _____  <small>Address of Server</small> </div> </div>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

# **EXHIBIT B**

BEFORE THE JOINT ARBITRATION BOARD  
OF THE  
PLUMBING CONTRACTORS' ASSOCIATION  
OF CHICAGO AND COOK COUNTY  
AND  
CHICAGO JOURNEYMEN PLUMBERS'  
LOCAL UNION 130, U.A.

IN THE MATTER OF:

**Ms. Tracy Foss**  
**Kelcode Coring, LLC**  
**502B Morse Avenue**  
**Schaumburg, Illinois 60193**

**DECISION AND AWARD**

After receipt of a notice of dispute concerning violation of the Collective Bargaining Agreement by Ms. Tracy Foss, Kelcode Coring, LLC, (hereinafter "Employer") and after notice to all parties on July 18, 2007, all parties were permitted to appear and present any and all evidence relevant to the charges at a hearing before the Joint Arbitration Board, as a result of which the Joint Arbitration Board finds:

1. The Employer has violated the contribution and deduction sections of the applicable Collective Bargaining Agreements with the Union by failing to make payments for unreported hours worked by licensed journeymen or apprentice plumbers for the period from N/A through N/A to each of the following entities in the amounts indicated:

Plumbers' Pension Fund, Local Union 130, U.A.	\$ - 0 -
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Plumbers' Welfare Fund, Local Union 130, U.A.	\$ - 0 -
--	----------

Trust Fund for Apprentice and Journeymen Education and Training, Local Union 130, U.A.	\$ - 0 -
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The Plumbing Council of Chicagoland	\$ - 0 -
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Local Union 130, U.A. Savings Plan	\$ - 0 -
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Local Union 130, U.A. Working Dues	\$ - 0 -
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Legal Fund (Group Legal Service Plan Fund)	\$ - 0 -
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Total Contributions Due	\$ - 0 -
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2. Pursuant to the Collective Bargaining Agreements, liquidated damages of 8% of the amounts stated in Paragraph 1 are due and are hereby assessed, payable to Local 130 Contribution Account.

3. Pursuant to the Collective Bargaining Agreements, interest on the amounts stated in Paragraph 1 is due and is hereby assessed, payable to Local 130 Contribution Account.

4. The Employer has violated the applicable Collective Bargaining Agreements by permitting subcontractors not party to Collective Bargaining Agreement or persons having an ownership interest in Employer or employees other than licensed journeymen or apprentice plumbers to perform work within the jurisdiction of the Union for the period from November 01, 2005 through June 30, 2006, and shall pay a fine to each of the following entities in the amounts indicated:

Plumbers' Pension Fund, Local Union 130, U.A.	\$ 2,972.60
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Plumbers' Welfare Fund, Local Union 130, U.A.	\$ 5,390.24
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Trust Fund for Apprentice and Journeymen Education and Training, Local Union 130, U.A.	\$ 636.44
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The Plumbing Council of Chicagoland	\$ 384.53
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Legal Fund (Group Legal Service Plan Fund)	\$ 375.71
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Local Union 130, U.A. Working Dues	\$ 77.44
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Total Fines Due \$ 9,836.96

5. An additional fine of 8% of the amounts stated in Paragraph 4 is due and is hereby assessed, payable to Local 130 Contribution Account.

6. As an additional penalty interest on the amounts stated in Paragraph 4 is assessed at the rate set forth in the Collective Bargaining Agreement for late contribution payments and is hereby due, payable to Local 130 Contribution Account.

The Employer is hereby directed and ordered to take the following remedial action:

- I. Pay to Local 130 Contribution Account the sum of \$ 11,506.04 consisting of:
  - A. The contributions due to the entities named in Paragraph 1.
  - B. The fines assessed in Paragraph 4.
  - C. The amount of \$ 786.96, which is the total of the amounts assessed in Paragraphs 2 & 5.
  - D. The amount of \$ 882.12, which is the total of the amounts assessed in Paragraphs 3 & 6 (interest calculated through November 15, 2006), which interest continues to accrue at the rate of \$147.55 per month after September 15, 2007, until full payment of all amounts due pursuant to this Decision and Award.
- II. Cease and desist from violating the Collective Bargaining Agreement in any like or similar manner.

It is further ORDERED that if the Employer does not pay the amounts found due within 30 days after the date this Decision and Award is signed, the Employer shall pay and reimburse the Funds, the Union, and the employee all costs, fees, and expenses incurred by any of them in enforcing this DECISION AND AWARD, including, but not limited to, audit fees, attorneys' fees, and court costs.

JOINT ARBITRATION BOARD

By: Kevin C. Sherlock  
Kevin C. Sherlock  
Secretary

Signed at Chicago, Illinois, this 14th day of August 2007

# **EXHIBIT C**



4-9-08BTB136860

65100/1044LIT-4649

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

JAMES T. SULLIVAN, etc., et al.,	)	
	)	No. 08 C 1022
Plaintiffs,	)	
v.	)	Judge James B. Zagel
	)	
KELCODE CORING, LLC,	)	Magistrate Judge Jeffrey Cole
an Illinois limited liability company,	)	
	)	
Defendant.	)	

**AFFIDAVIT CONCERNING ATTORNEYS' FEES AND COSTS**

DOUGLAS A. LINDSAY states that if he were called to testify in the captioned case he would testify as follows:

1. I am an adult and competent.
2. The information contained in this Affidavit is based on my personal knowledge, the business records of LEWIS, OVERBECK & FURMAN, LLP (Firm), and review of public records.
3. During the course of this litigation, Douglas A. Lindsay, a partner in Firm, rendered 1.3 hours of legal services to Plaintiffs at a rate of \$275.00 per hour, and 3.3 hours of legal services to Plaintiffs at a rate of \$300.00 per hour, for a total of \$1,347.50.
4. During the course of this litigation, Brian T. Bedinghaus, an associate in Firm, rendered 11.6 hours of legal services to Plaintiffs, at a rate of \$170.00 per hour, for a total of \$1,972.00.
5. During the course of this litigation, Robert C. Parizek, a paralegal in the Firm, rendered 1 hour of legal services to Plaintiffs, at a rate of \$85.00 per hour, for a total of \$85.00.
6. The legal professionals' fees incurred by Plaintiffs in this matter total \$3,404.50.
7. Plaintiffs have also incurred \$350.00 in court filing fees, \$225.00 for service of

process fees, \$60.00 for computerized docketing charges, and \$31.68 in photocopy charges for total costs of \$666.68.

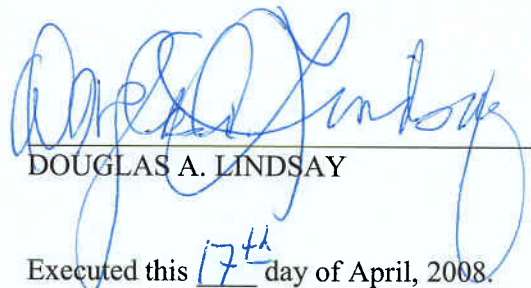
8. The total amount due Plaintiffs for legal fees and costs is \$4,071.18.

9. Attached hereto as Attachment C-1 are true and correct copies of itemized time records and expense records made and kept in the ordinary course of Firm's business.

10. Douglas A. Lindsay has over thirty-one years of ERISA and LMRA litigation experience. Mr. Lindsay has been admitted to practice by the following courts: Illinois Supreme Court (1976); United States District Court for the Northern District of Illinois (General Bar, 1976; Trial Bar, 1982); United States District Court for the Eastern District of Wisconsin (1985); United States District Court for the Northern District of Indiana (1990); United States District Court for the Central District of Illinois (1994); United States Court of Appeals for the 7<sup>th</sup> Circuit (1982); United States Supreme Court (1999).

11. Brian T. Bedinghaus has been admitted to practice by the following courts: Illinois Supreme Court (2005); United States District Court for the Northern District of Illinois (2007); United States District Court for the Northern District of Indiana (2008).

12. In accordance with 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

  
DOUGLAS A. LINDSAY  
Executed this 17<sup>th</sup> day of April, 2008.

# **EXHIBIT C-1**

# Lewis, Overbeck & Furman, LLP

## Time And Expense Details

Report ID: OT2025 - 22665  
Thursday, April 17, 2008

Date [09/15/2007 - 04/30/2008]

Printed By SKOU  
Page 1

Client	Client Reporting Name	Matter	Matter Reporting Name	Billing Timekeeper
65100	Plumbers 130 Litigation	01044	4649 Kelcode Coring, LLC	Lindsay, Douglas A.

Unbilled Time										
Date	Timekeeper	Hours Worked	Hours To Bill	Rate	Amount	Task	Activity	Narrative		
3/20/2008	BTB	0.10	0.10	170.00	\$17.00			Reviewed file; updated status for monthly Trustees' report		
3/24/2008	DAL	0.10	0.10	300.00	\$30.00			Review file; telephone conference with Funds' Field Representative regarding Award		
3/27/2008	DAL	0.10	0.10	300.00	\$30.00			E-notice from court		
3/27/2008	BTB	0.40	0.40	170.00	\$68.00			Review file; email to paralegal; e-filed return of service		
3/28/2008	BTB	0.10	0.10	170.00	\$17.00			Reviewed file regarding employer surety bond		
3/31/2008	BTB	1.40	1.40	170.00	\$238.00			Email from Douglas A. Lindsay; reviewed file; conference with Douglas A. Lindsay; obtained statement of attorneys' fees and costs; calculated balance due; phone call to defendant; memo to file		
3/31/2008	DAL	0.30	0.30	300.00	\$90.00			voicemail from Defendant's representative; review file; email to all concerned; conf. BTB re case handling		
4/9/2008	DAL	0.40	0.40	300.00	\$120.00			Review and revise draft motion papers; conference with Brian T. Bedinghaus regarding finalizing motion papers		
4/9/2008	BTB	2.40	2.40	170.00	\$408.00			Review file; prepared motion for default judgment, notice of motion, and exhibits; conference with Douglas A. Lindsay; review judge's rules		
4/14/2008	BTB	1.00	1.00	170.00	\$170.00			Legal research regarding computation of ERISA interest on JAB award		
4/15/2008	DAL	0.30	0.30	300.00	\$90.00			Review and revise draft motion papers; conference Brian T. Bedinghaus regarding case handling		
4/15/2008	BTB	2.00	2.00	170.00	\$340.00			Edited motion for entry of judgment and affidavit for attorney fees; legal research; conference with Douglas A. Lindsay; conference with Lisa M. Simioni		
Unbilled Time										
Totals		8.60	8.60		\$1,618.00					

Billed Time		Date	Timekeeper	Hours Worked	Hours On Bill	Rate	Amount	Task	Activity	Narrative
Billed Time		9/17/2007	DAL	0.20	0.20	275.00	\$55.00			Telephone conference with Funds' Field Representative; memo to file; fax from Funds' Field Representative; diary follow up date
		10/5/2007	DAL	0.40	0.40	275.00	\$110.00			Receive and review correspondence and Award from JAB Secretary; review file; voicemail to JAB Secretary; memo to file; telephone conference with JAB Secretary
		10/8/2007	DAL	0.20	0.20	275.00	\$55.00			Memo to file; diary follow up date
		Totals								

# Lewis, Overbeck & Furman, LLP Time And Expense Details

Report ID: OT2025 - 22665  
Thursday, April 17, 2008

Date [09/15/2007 - 04/30/2008]

Printed By SKOU  
Page 2

Billed Time		Date	Timekeeper	Hours Worked	Hours On Bill	Rate	Amount	Task	Activity	Narrative
		11/9/2007	DAL	0.50	0.50	275.00	\$137.50			Review file; voicemail to Funds' Field Representative; memo to file; telephone conference with Funds' Field Representative; fax from Funds' Field Representative; diary follow up date
		1/31/2008	DAL	0.20	0.20	300.00	\$60.00			Review file; voicemail to Funds' Field Representative; memo to file
		2/4/2008	DAL	0.30	0.30	300.00	\$90.00			Review file; review and revise draft letter
		2/4/2008	RCP	1.00	1.00	85.00	\$85.00			Worked on payment request letter
		2/13/2008	BTB	0.10	0.10	170.00	\$17.00			Email correspondence from Douglas A. Lindsay regarding case assignment
		2/13/2008	DAL	0.50	0.50	300.00	\$150.00			Email from paralegal; review file; conference with paralegal; email to all concerned
		2/14/2008	BTB	3.10	3.10	170.00	\$527.00			Reviewed file; prepared complaint, civil cover sheet, summons, attorney appearances
		2/15/2008	BTB	0.40	0.40	170.00	\$68.00			Correspondence with Douglas A. Lindsay regarding pleadings; finalized lawsuit documents for filing
		2/15/2008	DAL	0.20	0.20	300.00	\$60.00			Review draft lawsuit papers; conference with Brian T. Bedinghaus regarding suit filing
		2/19/2008	DAL	0.50	0.50	300.00	\$150.00			E-file lawsuit papers; conference with Brian T. Bedinghaus regarding file organization and service of process
		2/20/2008	DAL	0.40	0.40	300.00	\$120.00			E-notice from court; email to all concerned; statutory notice letters to Secretary of Labor and Secretary of Treasury
		2/20/2008	BTB	0.60	0.60	170.00	\$102.00			E-notice from District Court; conference with paralegal regarding service; phone call to District Court regarding e-notices; arranged for service
Billed Time		Totals		8.60	8.60		\$1,786.50			

Billed Expenses		Date	Amount	Exp Code	Narrative
		2/29/2008	\$31.20	COPY	Photocopy Charges
		2/29/2008	\$60.00	DOCK	DM 2000, Computerized Docket and Case Watch Protection Service
Billed Expenses		Totals	\$91.20		

	Hours Worked	Hours To Bill	Fee Amount	Expense Amount	Total Amount
Report Totals	17.20	17.20	\$3,404.50	\$666.68	\$4,071.18
*** End Of Report ***					

# EXHIBIT D

4-09-08BTB136862

65100/1044LIT-4649

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

JAMES T. SULLIVAN, not	)	
individually but as Trustee of	)	
PLUMBERS' PENSION FUND, LOCAL 130,	)	
U.A., PLUMBERS' WELFARE FUND,	)	
LOCAL 130, U.A., THE TRUST FUND	)	
FOR APPRENTICE AND JOURNEYMEN	)	
EDUCATION AND TRAINING, LOCAL 130,	)	
U.A., and CHICAGO JOURNEYMEN	)	No. 08 C 1022
PLUMBERS' LOCAL UNION 130, U.A.,	)	
GROUP LEGAL SERVICES PLAN FUND,	)	Judge James B. Zagel
THE PLUMBING COUNCIL OF	)	
CHICAGOLAND, an Illinois not-for-profit	)	Magistrate Judge Jeffrey Cole
corporation, and CHICAGO JOURNEYMEN	)	
PLUMBERS' LOCAL UNION 130, U.A.,	)	
	)	
Plaintiffs,	)	
v.	)	
	)	
KELCODE CORING, LLC,	)	
an Illinois limited liability company,	)	
	)	
Defendant.	)	

**JUDGMENT IN A CIVIL CASE**

THIS CAUSE coming before the Court for hearing on Plaintiffs' Motion For Entry of Judgment, due notice having been given to all parties entitled thereto, and the Court being fully advised in the premises

IT IS HEREBY ORDERED that judgment is entered in favor of Plaintiffs, James T. Sullivan, etc., et al., and against Defendant, KELCODE CORING, LLC, in the amount of \$16,927.62; and

IT IS HEREBY ORDERED that this judgment is final, and there is no just reason to delay enforcement or appeal.

Date: \_\_\_\_\_

ENTER:

\_\_\_\_\_  
James B. Zagel  
United States District Court Judge